

1 ARNOLD & PORTER LLP
SARAH A. GOOD (No. 148742)
2 sarah.good@aporter.com
JEREMY T. KAMRAS (No. 237377)
3 jeremy.kamras@aporter.com
JAIME M. HULING DELAYE (No. 270784)
4 jaime.hulingdelaye@aporter.com
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: +1 415.471.3100
6 Facsimile: +1 415.471.3400

7 Attorneys for Defendants
DAVID BUSE, JOHN DRURY, MARK
8 FARLEY, STEPHEN WORKMAN and
JOSEPH YOUNG

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 IN RE FINISAR CORP. DERIVATIVE
14 LITIGATION,

15 This Document Relates To:

16 ALL ACTIONS.
17
18
19
20
21

Master File No. C-06-07660-RMW

STIPULATION AND ☐ ORDER
EXTENDING THE DEADLINE FOR FILING
MOTIONS TO DISMISS

Dept.: Hon. Ronald M. Whyte

22
23 WHEREAS, on January 18, 2012 the parties engaged in a nonbinding mediation before
24 the Honorable Edward A. Infante (Ret.) (the "Mediation") and settlement discussions remain
25 ongoing;

26 WHEREAS, pursuant to the Stipulation and Order Regarding Case Management
27 Conference and Hearing Date filed on November 9, 2011 (the "November 9 Stipulation and
28

Order”), Dkt. No. 126, Plaintiffs and Defendants filed their Mediation status reports with the Court on January 23, 2012 and January 25, 2012, respectively, Dkt. Nos. 131, 132;

WHEREAS, pursuant to the February 17, 2010 Stipulation and Order Extending the Deadline for Filing Motions to Dismiss, Defendants must file motions to dismiss Plaintiffs’ Supplemental Second Amended Consolidated Verified Shareholder Derivative Complaint (“SSAC”) or other responsive pleadings by March 2, 2012;

WHEREAS, (1) to facilitate the ongoing settlement discussions, (2) minimize litigation fees and costs, including the significant expense involved in fully briefing and arguing motions to dismiss; and (3) preserve judicial resources, subject to this Court’s approval, the parties agree that the time for Defendants to file motions to dismiss the SSAC or other responsive pleadings shall be extended until March 15, 2012; and

WHEREAS, Defendants have not yet reserved a date for the hearing of motions to dismiss and this stipulated extension thus will not affect any scheduled Court date in this case;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs, Defendants and Finisar, through their respective counsel of record subject to approval of the Court as follows:

1. Defendants shall file and serve their motions to dismiss the SSAC no later than March 15, 2012.

* * *

IT IS SO STIPULATED

March 2, 2012

WILSON SONSINI GOODRICH & ROSATI,
Professional Corporation
JARED L. KOPEL
NICOLE M. HEALY

/s/ Jared L. Kopel
JARED L. KOPEL

650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile (650) 565-5100

Counsel for Defendant Jerry S. Rawls

1 March 2, 2012

ROBBINS GELLER RUDMAN & DOWD LLP
SHAWN A. WILLIAMS
CHRISTOPHER M. WOOD

4 /s/ Christopher M. Wood
CHRISTOPHER M. WOOD

5 Post Montgomery Center
6 One Montgomery Street, Suite 1800
7 San Francisco, CA 94104
8 Telephone: (415) 288-4545
9 Facsimile: (415) 288-4534

10 ROBBINS GELLER RUDMAN & DOWD LLP
11 TRAVIS E. DOWNS III
12 655 West Broadway, Suite 1900
13 San Diego, CA 92101
14 Telephone: (619) 231-1058
15 Facsimile: (619) 231-7423

16 SAXENA WHITE P.A.
17 MAYA SAXENA
18 JOSEPH E. WHITE
19 2424 N. Federal Highway, Suite 257
20 Boca Raton, FL 33431
21 Telephone: (561) 394-3399
22 Facsimile: (561) 394-3382

23 Co-Lead Counsel for Plaintiffs

24 March 2, 2012

DLA PIPER LLP (US)
DAVID PRIEBE

19 /s/ David Priebe
20 DAVID PRIEBE

21 2000 University Avenue
22 East Palo Alto, CA 94303-2214
23 Telephone: (650) 833-2000
24 Facsimile: (650) 833-2001

25 DLA PIPER LLP (US)
26 SHIRLI FABBRI WEISS
27 401 B Street, Suite 1700
28 San Diego, California 92101-4297
Telephone: (619) 699-3650
Facsimile: (619) 764-6650

Counsel for Nominal Defendant Finisar
Corporation

1 March 2, 2012

GOODWIN PROCTER LLP

2
3 /s/ Lloyd Winawer
LLOYD WINAWER

4 135 Commonwealth Drive
5 Menlo Park, CA 94025
6 Telephone: (650) 752-3100
Facsimile: (650) 853-1038

7 STEPHEN D. POSS
8 Exchange Place
9 53 State Street
10 Boston, MA 02109
Telephone: (617) 570-1000
Facsimile: (517) 523-1231

11 Counsel for Defendants Michael C. Child, Roger
12 C. Ferguson, Frank H. Levinson, Robert N.
Stephens, and Dominique Trempont

13 March 2, 2012

14 ARNOLD & PORTER LLP
15 SARAH A. GOOD
16 JEREMY T. KAMRAS
17 JAIME M. HULING DELAYE

18 /s/ Sarah A. Good
19 SARAH A. GOOD

20 Three Embarcadero Center, Seventh Floor
21 San Francisco, CA 94111-4024
22 Telephone: (415) 471-3100
23 Facsimile: (415) 471-3400

24 Counsel for Defendants David Buse, John
25 Drury, Mark Farley, Stephen K. Workman and
26 Joseph Young

27 * * *

28 **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: HEG, 2012


THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE